IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4120 OF 2006

Narendra Ramsabad Yadav ..Applicant
V/s
The State of Maharashtra ..Respondent.

Mr.Ashwin Shete i/b Mrs. Pranali Kakade, Advocate for the applicant.

Mr. Y.S. Shinde, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : 6TH MARCH, 2007.

P.C.

. Heard Mr. Ashwin Shete, the learned Counsel for the applicant and Mr. Shinde,A.P.P.for the State. Perused the police papers. The applicant seeks to be released on bail in Crime NO. 206 of 2005, registered at Samarth Police Station Police Station, Pune for the offence punishable under Section 302 r/w section 34 of Indian Penal Code.

2. The prosecution case, in brief, is that the present applicant and his brother had some dispute with Vijay More and Bitti Agarwal. On 15/12/2005 in the

morning the present applicant and his brother armed with weapons went to assault said Vijay and Bitti Agarwal but both of them ran away. Thereafter they went to the house of Bitti Agarwal and shouted, at that time Ashok Agarwal, who was father of the Bitti asked as to why they were quarrelling. On that, the applicant and his brother went up-stair where Ashok Agarwal was present. Surendra, the brother of the present applicant, gave a blow with some weapon on the back of Ashok but he bent and survived. Thereafter, the present applicant kicked on the abdomen of Ashok Agarwal due to which he fell from the terrace on the ground, because there was no parapet wall to the said building, as a result of which Ashok died.

4. The applicant is in custody since 22nd November, 2005. According to him, other accused were granted bail and he alone is in jail. According to him, taking into consideration the circumstances, the offence under section 302 is not committed and he may be granted bail.

5 Mukhtar Ahmed, PSI of the police station has filed affidavit opposing the applicant. According to him, as many as 14 criminal cases of different types

have been registered against the present applicant. Though the offences are not very serious, it appears that the present applicant is in habit of quarrelling and behaving in disorderly manner at the public place. In number of cases he has been convicted and still number of case are pending against him. Taking into consideration his antecedents and the fact that he kicked deceased Ashok Agarwal, who was aged about 60 years, from the edge of the terrace having no parapet wall due to which he fell on the ground and died, I find that it will not be appropriate to grant bail to the present applicant. It is also stated on behalf of the prosecution that charge is already framed and case is ripe for trial. At this stage, if bail is granted, possibility of tampering with the witnesses cannot be ruled out.

6. Therefore, application stands rejected. The trial Court shall expedite the trial and dispose of the case as early as possible.

(J.H. BHATIA, J.)